IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

Bail Appl..No. 1247 of 2007

CMP.403/2007 of MUNI-MAGI.COURT,PONNANI
CRIME NO.30/2007 OF PERUMPADAPPU POLICE STATION

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PETITIONER/ACCUSED

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1. SIRAJUDHEEN (A2),
   S/O SAYED MUHAMMED, AYRIOOROAM AMSOM, PALAPETTI.

2. ANSAR (A3),
   S/O.KUNHUMON, VALIYIL HOUSE,
   AYIROOR AMSOM DESOM, PALAPETTY.

3. YUSUFF (A5),
   S/O MUHAMMADALI, ACHARINTAKATH HOUSE,
   AYIROOR AMSOM DESOM, KAPPIRIKKAD BEACH.

4. AKBAR (A6),
   S/O MUHAMMEDALI,
   ACHARINAKATH, AYIROOR AMSOM, KAPPIRIKKAD BEACH.

5. NISHAD (A7),
   S/O.HAMSA, THANDANKOLIYIL (H),
   AYIROOR AMSOM, KAPPIRIKKAD.

6. ARAVINDAKSHAN (A8),
   S/O.BALAN, POORADAMPURAKKAL HOUSE,
   AYIROOR AMSOM, KAPPIRIKKAD BEACH.

BY ADV. SRI.K.J.SAJI ISAAC

RESPONDENTS:

STATE OF KERALA,
REP.BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1247/2007

Dated this 1st day of March, 2007

O R D E R

The petitioners who are accused Nos. 2, 3 and 5 to 8 in Crime No.30/2007 of Perumpadappu police Station for offences punishable under Sections 143, 147, 148, 324 and 308 IPC read with Section 149 IPC, seek their enlargement on bail. The occurrence took place at 8.45 p.m on 12.2.2007. The petitioners were arrested on 14.2.2007.

2. The learned Public Prosecutor opposed the application.

3. Since the first petitioner who is the second accused in the case is said to have committed the offence at a time when he was on bail in Crime No.214/2006 granted by this Court in B.A.No.7229/2006 with a condition that he shall not commit any offence while on bail, he cannot be granted bail in the present case. But there is no reason why the other accused should not be granted bail.

4. Accordingly the petitioners 2 to 6 who are accused Nos. 3 and 5 to 8 are directed to be released on bail on each of them executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like

amount to the satisfaction of the J.F.C.M, Ponnani, and subject to the following conditions:

(a). The petitioners 2 to 6 shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

(b). The petitioners 2 to 6 shall make themselves available for interrogation as and when required by the police till the filing of the final report.

(c). The petitioners 2 to 6 shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

(d). The petitioners 2 to 6 shall not commit any offence while on bail.

4. If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

The application is allowed in part as above.

V.RAMKUMAR,
JUDGE

mrcs